

## UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Dennis Darnell Sturdivant

Date of Original Judgment: 09/18/2019Date of Previous Amended Judgment: 09/01/2021

(Use Date of Last Amended Judgment if Any)

Case No: 0419 3:19CR00158-001USM No: 22662-058

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 70 months **is reduced to** 60 months.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)


Except as otherwise provided, all provisions of the judgment dated 10/01/2019 as amended 09/20/2021, shall remain in effect.

**IT IS SO ORDERED.**

Signed: January 9, 2024

Effective Date: 02/01/2024

(if different from order date)

  
 Frank D. Whitney  
 United States District Judge

**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

DEFENDANT: Dennis Darnell SturdivantCASE NUMBER: 0419 3:19CR00158DISTRICT: Western District of North Carolina**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**Previous Total Offense Level: 23Amended Total Offense Level: 23Criminal History Category: IVCriminal History Category: IIIPrevious Guideline Range: 70 to 87 monthsAmended Guideline Range: 60 to 71 months**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (See *Chavez-Meza v. United States*, 138 S.Ct. 1959 (2018))**

Defendant is eligible for a reduction under Amendment 821 of the United States Sentencing Guidelines because his amended sentence of 70 months was based on a total offense level of 23 and a criminal history category of IV. Under revised Section 4A1.1 of the Sentencing Guidelines, Defendant scores five criminal history points for a criminal history category of III and an amended guideline range of 57 to 71 months. Because Count 1 carries a mandatory minimum term of imprisonment of 60 months, Defendant's guideline range is 60 to 71 months. Further, the Court has considered the sentencing factors set forth in 18 U.S.C. Section 3553(a) in rendering an appropriate reduced sentence and finds that a sentence of 60 months (consecutive to the sentence imposed on September 30, 2019 in Case No. 3:08-cr-187) is sufficient but not greater than necessary to serve the purposes of sentencing.